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Palmerston North Legal Entities Project

A feasibility study completed by Katheryn Margaret Pascoe as part of a 3rd year Bachelor of Social Work placement at the Palmerston North City Council.

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Contents

Executive summary Page 4
Project background Page 6
Existing legal advice and support services available in Palmerston North Page 8
Case study: Wellington Community Law Centre	..... Page 11
Ethical Considerations	..... Page 12
Research to date	
Legal Entities survey: Justification of method	..... Page 13
Legal Entities survey findings: An overview	..... Page 14
Legal Entities focus group: Justification of method	..... Page 22
Focus group: Core points raised	..... Page 23
Focus group activity	..... Page 25
Recommendations	
1) Website development	..... Page27
2) Training and educational seminars.	..... Page 28
3) Face to face service	..... Page 28
References	..... Page 31
Appendices	..... Page 33

Executive Summary

The Legal Entities Project was completed as part of a 12 week Bachelor of Social Work 3rd year placement through the collaboration of Massey University and the Palmerston North City Council Community Services team. The project was focused on exploring what the legal needs of local Incorporated Societies and Charitable Trusts providing social services in Palmerston North are, to then recommend a service to meet the needs of the sector.

At the beginning of the project, time was spent meeting with current services in Palmerston North who provide advice, assistance and support specifically for this cohort, as it is important to avoid duplicating services and to understand what is already being provided and accessed.

The project was officially launched on the 31st July at the hui, Kanohi ki te kanohi, followed by the distribution of the Legal Entities survey. This survey was developed to get a baseline understanding and overview of any compliance issues or legal challenges local Incorporated Societies and Charitable Trusts providing social services in Palmerston North have faced in the past 12 month. The survey provided information on how these challenges were overcome, and what potential services respondents would like to see available.

The survey was distributed through a range of methods and by mid-August, 22 completed, useable surveys were returned. The data has been collated and results have been presented in this report. In brief, 68% of respondents indicated they have experienced difficulty with at least one of the topics listed in the survey, with 80% of those then requiring assistance to overcome these challenges. This indicates there is a need for support, advice and assistance. Cost was identified as the largest barrier to accessing assistance or support and employment relations identified as the most common challenge faced. Although not all respondents had faced difficulties with the topics listed in the survey, all respondents indicated the desire for the development of a service or resource to support Incorporated Societies and Charitable Trusts.

As a survey only provides limited data, a focus group was held on the 1st September. The focus group, consisting of 9 participants, explored the potential development of a service, prioritising the need for free or low cost. The focus group discussed both education and assistance as essential, alongside the desire for information to be accessible 24/7 and provided in plain English.

The focus group expanded on challenges faced in the area of employment relations, confirming this as an area where difficulties are commonly experienced. Participants also

shared ideas on how to encourage organisations to attend training workshops or educational seminars.

Based on consultation with local Incorporated Societies and Charitable Trusts providing social services in Palmerston North this report makes three recommendations.

1) Establish a simple, easy to access webpage on the Palmerston North City Council website domain. This will act as a hub to; direct community organisations to relevant information, provide a directory of services available to assist local Incorporated Societies and Charitable Trusts, update community organisations on any legislative changes in plain English, and promote up and coming training/education seminars. This would make information more easily accessible and be available 24/7.

2) Education acts as a preventative measure as it places organisations in a better position to overcome or mitigate arising challenges. There are already a range of free and low cost training and education opportunities available but there is a need to increase awareness of these opportunities through promotion. I recommended the suggested website as a point of promotion, uploading the Flax Newsletter to the Palmerston North Community Services Council website, and have local funders communicate training opportunities to organisations.

3) Following wide spread desire for a face-to-face service to provide advice and support, I recommend an extension of the Manawatu Community Law Centre services. Funding will be required to hire a part-time position on a one year contract to focus on providing support and advice to local Incorporated Societies and Charitable Trusts providing social services in Palmerston North. Following the first year, a review should be completed to assess whether the extended service is meeting the needs of the sector and analyse the rate at which it is being accessed.

Project background

The Palmerston North Legal Entities Project was proposed by the Palmerston North City Council (PNCC), Community Services team, as a Massey University Bachelor of Social Work Placement project in 2015. The project was based on a 12 week timeline, aimed to complete a feasibility study on the potential to develop a free or low cost legal service for Incorporated Societies and Charitable Trusts providing social services in Palmerston North.

The project had two key focus points;

- Investigate what the legal needs of the sector are.
- Recommend a service delivery model that would meet both the needs and desires of the sector.

For a complete project brief please refer to appendix 1.

A core factor influencing the development of this project was recent and potential legislative changes on a national level. These included changes to the Charities Act, review to the Incorporated Societies Act, and the Health and Safety Reform Bill, all of which have the potential to impact the sustainability of the community and voluntary based social service sector of Palmerston North. In Palmerston North our Charitable Trusts and Incorporated Societies provide a range of social services that benefit our community and it is essential that they are in a position where they are resilient, with access to support in order to enable organisations to continue their service delivery, while complying with legislative changes. The extensive value and worth of the not-for-profit sector has already been acknowledged by the PNCC in the 2009 not-for-profit sector profile report (Palmerston North City Council, 2009).

Another factor influencing the project is the vested interest the PNCC has in the sustainability and resilience of social service providers. The PNCC funds a large proportion of social service providers in Palmerston North, as can be seen through the “Fee for Service Contracting,” community funding scheme. For the period of 1 July 2013 to 30 June 2016, 45.9%, approximately \$600 000, of the allocated funds was contracted to social service providers (Palmerston North City Council, 2014). To be eligible for this funding scheme, organisations must hold the legal status of either an Incorporated Society or Charitable Trust. This is only one of the funding schemes provided. Alongside other funders, the PNCC has a financial investment in these organisations, and wish to see development, growth and provisions of services continue as much as the agencies.

The final key factor influencing the Palmerston North Legal Entities Project was the developed from a similar project which is currently operating in Wellington. In 2010 the Wellington Community Law Centre undertook some research to investigate the needs of local community groups and have since developed the Wellington Legal Entities Project. This service operates on a 3 yearly contract, funded by the Wellington City Council and has a lawyer dedicated to providing free legal help and advice to community groups through outreach clinics. This project also provides low cost educational seminars to upskill community based organisations. Please refer to page 11 for more details on this case.

Existing legal advice and support services available in Palmerston North

Before seeking consultation from community organisations, time was spent meeting with various service providers in Palmerston North, to gauge what legal advice and support was already available specifically for local Incorporated Societies and Charitable Trusts.

Manawatu Community Law Centre

The Manawatu Community Law Centre (MCLC) is a non-profit Charitable Trust set up to provide legal advice and education to meet the needs of individuals within the Palmerston North, Manawatu, Tararua and Horowhenua Districts (Palmerston North Community Services Council, 2015).

While the services provided by the MCLC are focused on the legal needs of individuals in these communities, it is not uncommon for community groups to seek advice and assistance from the Centre. This is generally sporadic, some weeks there can be no cases, and other weeks there can be 3 or 4. Between July 1st 2014 - June 30th 2015 the MCLC opened 68 cases involving community based groups requiring legal advice or assistance (H. McKenna, Personal Communications, 30th July, 2015)

Although this number is not specifically Incorporated Societies or Charitable Trusts providing social services, this number does indicate that there is already a significant number of community groups seeking legal support through the MCLC, averaging 1.3 cases a week. While the MCLC provides this service to community based groups where and when possible, they are not currently funded or resourced to meet these needs.

Through a partnership with the Palmerston North Community Services Council, the Manawatu Community Law Centre also provides a series of training workshops and educational seminars known as “Board Matters.” These workshops are free for anyone on the governance board of, or management position in, an Incorporated Society or Charitable Trust and have a strong focus on governance. Between July 2014 and November 2014 five of these workshops were held, averaging 20 attendees with the most popular topic being “Recruiting an Effective Board.” Another round of “Board Matters” workshops began on the 18th August 2015 and will consist of 4 sessions. Topics covered will include; managing the board, managing the manager, reading financial reports, ethics, liability and conflicts. For more information on the 2015 “Board Matters,” series please refer to appendix 2.

Citizens Advice Bureau

Palmerston North also has a Citizens Advice Bureau (CAB) located at Hancock House, 77 King Street. This organisation is part of a national body and is a well-used service, with offices throughout New Zealand. The Palmerston North CAB offers free legal advice with a lawyer available most Thursday's from 7.30pm at the Hancock House office (Citizens Advice Bureau, 2014). This operates similar to a drop in clinic as no appointment is necessary and runs on a first come first served basis. This service allows people to have access to a 10-15 minute session with a lawyer free of charge. Following discussion with the Palmerston North CAB, it has been identified that they have little to no involvement with community groups and societies, with their services mainly being accessed by individuals in regards to personal matters (L. Allen, Personal Communications, 6th August 2015).

Department of Internal Affairs

Palmerston North also hosts the Manawatu-Wanganui regional office for the Department of Internal Affairs. The Department takes on a dual role of both funding community services and building the capacity of community based organisations through training workshops and advice. There are periods where funding takes priority and therefore the ability to offer support and guidance to community groups is not always constant and can result in periods of limited accessibility (N. Cross, Personal Communications, 4th August, 2015).

Ministry of Social Development

Organisations funded by the Ministry of Social Development (MSD), have access to a capability assessment and strengthening programme to help identify areas for improvement and access advice on how to do so. Alongside this, MSD has an Organisational Capability Self-Assessment Tool available online. The tool has been designed specifically for MSD funded service providers who are beginning an organisational capability assessment and strengthening programme (Ministry of Social Development 2015a). MSD has a Capability Investment Resource which was established to support a stronger, adaptable and more integrated social sector, and will be entering its final year 2015/2016. This resource distributes funding for capability development activities and for the year of 2014/2015 \$4.3 million was distributed to community based organisations throughout New Zealand (Ministry of Social Development, 2015b).

Private Lawyers

Palmerston North hosts a range of private lawyers and law firms who are able to provide legal assistance and advice. In the 2014 Manawatu YellowPages phonebook there are 37 listed lawyers and law firms located in Palmerston North. Typically, services from a private lawyer have an associated cost. While these lawyers and law firms have both general

knowledge and expertise areas, following brief talks with a few firms, many are not in a position with specialised knowledge on the legal needs and requirements of Incorporated Societies and Charitable Trusts.

Case Study:

Wellington Community Law Centre

In 2010 the Wellington Community Law Centre (WCLC) began an investigation into the needs of local community based organisations and groups to examine the potential to set up a free or low cost service tailored to meet these needs. As a result of their research, the WCLC has since established their Legal Entities Project (LEP).

The LEP project and associated services operate on a 3 yearly contract, funded by the Wellington City Council. The LEP has a lawyer dedicated to the provision of free legal assistance and advice to community groups through outreach clinics, as well as providing low cost educational seminars to upskill and build the resilience of community based organisations. Through the LEP the WCLC is also able to refer groups onto their pro-bono partners if more specialised assistance or time is required.

Outreach clinics operate in Newtown, Kilbirnie, Newlands, Miramar and Strathmore Park. For the period of July 2012 to June 2013 the LEP outreach clinics supported 63 groups to overcome a range of challenges through the provision of free one-on-one legal advice and assistance (Wellington Community Law Centre, 2013).

For the same period, the LEP ran a total of 10 educational seminars which attracted 20-50 participants at each session, reaching approximately 200 community based groups (Wellington Community Law Centre, 2013). The seminars covered a range of topics including; constitutions, good governance, the Treaty of Waitangi, managing volunteers, employment law, and finances.

For the period of July 2013-June 2014 the LEP ran five legal seminars for community groups which included; A potential revolution for Incorporated Societies, good governance, working with volunteers and employment law, the Treaty of Waitangi, and fraud & financial management, totalling 146 attendees (Wellington Community Law Centre, 2014).

As seen above, there are some topics which are repeated each year, for example employment law and good governance, which reflects an ongoing need for training in these areas.

The Wellington Community Law Centre is also in a position to utilise interns to assist in the delivery of the LEP services, with a total of 57 people voluntarily contributing their time knowledge and expertise for the period of July 2012 to June 2013.

From 2015, with a new round of funding, service delivery will be altered to increase the focus on obtaining pro bono support for community groups.

Ethical Considerations

As set out in the Aotearoa New Zealand Association of Social Work (ANZASW) Code of Ethics, it is essential for participants to have given informed consent before being involved in a research project (ANZASW, 2013; Babbie, 2014). This means potential participants have knowledge on the purpose, processes and nature of the project, any potential risks that may arise from involvement in the project, what the information gathered will be used for, and their right to withdraw (ANZASW, 2013). To launch the project and explain ethical considerations, a hui, Kanohi ki te kanohi, was held at Hancock House on the 31st July. Members from a range of agencies attended and a presentation was delivered, introducing myself as project leader, information on the project, purpose, processes, timeline, and confidentiality. Attendees were also provided the opportunity to ask any questions.

A core consideration of any project is voluntary participation (Babbie, 2014). A range of organisations were contacted and asked if they would be interested in participating, however they were not forced to share their experiences, ideas or desires. Voluntary participation was stressed at the hui and before the focus group begun.

A detailed information sheet was sent to those who expressed an interest in participating in the focus group. This has been attached as appendix 3. The information sheet was essential to ensure participants were fully informed on the purpose, processes, and use of information disclosed before agreeing to participate. Before the focus group began, each participant was also required to sign a consent form.

All participants had the right to confidentiality which is a key consideration to any information gathering process (Babbie, 2014). Because of this, names and contact details have not been published in this report.

Research to date

Legal Entities survey: Justification of method

The Legal Entities survey was used as a key method to gather initial information. The survey successfully provided a brief insight into; recent legal challenges faced by Incorporated Societies and Charitable Trusts providing social services in Palmerston North, what methods or services are already being accessed to overcome challenges, as well as an overview of any desires for potential service development in Palmerston North.

A range of distribution methods were used to engage with organisations as not everyone responds to the same approach to communication. The survey was initially distributed in person at the end of the Kanohi ki te kanohi hui held on the 31st of July. This was followed by email communication with a range of social service providers, drawing upon the valuable Palmerston North Community Services Council (PNCSC) network. Surveys were also distributed to organisations in person and discussed over the phone. I took the opportunity to introduce the project and Legal Entities survey at a range of group meetings including the Manawatu Abuse Intervention Network (MAIN) and PNCSC bi-monthly members' meeting. In total, 24 completed surveys were received, however only 22 were received in time to include in this report.

The use of a survey as an information gathering tool was chosen as it has the potential to produce easy to analyse findings specific to the project, while giving basic statistics and indicating areas of interest or concern (May, 2011). The Legal Entities survey was self-administered, allowing participants the ability to complete it in their own time and provided the opportunity to reach a wide spread of people in a short period of time, which was imperative with a tight deadline (May, 2011). While a survey allows data collection to be directly related to the project, it is not unusual to have a low response rate (May, 2011; O'Leary, 2010). In the short time frame a census was not possible, however focus was placed on obtaining a cross section to represent the sector as best as possible (O'Leary, 2010).

The survey was structured on closed questions. While this makes it easier for participants to complete and to analyse results, closed questions limit answers and with a self-administered survey there is no ability to probe for more information or elaborate on questions to clarify the meaning (May, 2011). This contributed to the decision to hold a focus group.

To see a copy of the original Legal Entities survey please refer to appendix 4.

The Legal Entities survey findings: An overview

By mid-August, 22 completed Legal Entities surveys were returned. Respondents were organisations providing a social service in Palmerston North, who held legal status as an Incorporated Society or Charitable Trust. Respondent organisations were diverse in size with governance bodies ranging from 3 to 20+ members, the number of employed staff ranging from 0 to 40+ and the number of volunteers ranging from 0 to 30+. Services provided included; advocacy, accommodation, health and education.

The initial focus of the Legal Entities Project was to determine if there was a need for a free or low cost legal advice or legal education service in Palmerston North. The first two questions of the Legal Entities survey were designed to help gauge the level of need faced by responding organisations in the past 12 months.

Results from Question One

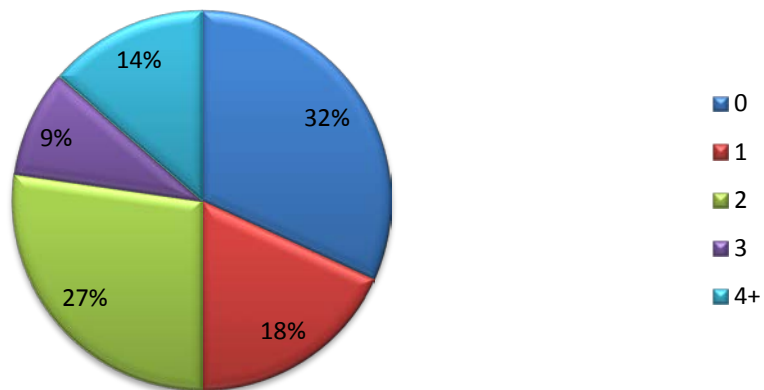
As seen on graph 1a) Question One revealed that 68% of respondents faced difficulty with at least one of the topics listed in the survey, which were based around legal obligations and meeting compliance standards. Graph 1b) shows us that 50% of respondents experienced multiple challenges in the past 12 months. While the survey has indicated that it is not unusual for these groups to face challenges, the survey did not identify one specific challenge faced by everyone. Employment relations was the most common challenge faced, accounting for almost one quarter of responses yet, as can be seen on graph 1c), challenges identified ranged from adjusting or upholding a constitution to completing financial reports.

Graph 1a)



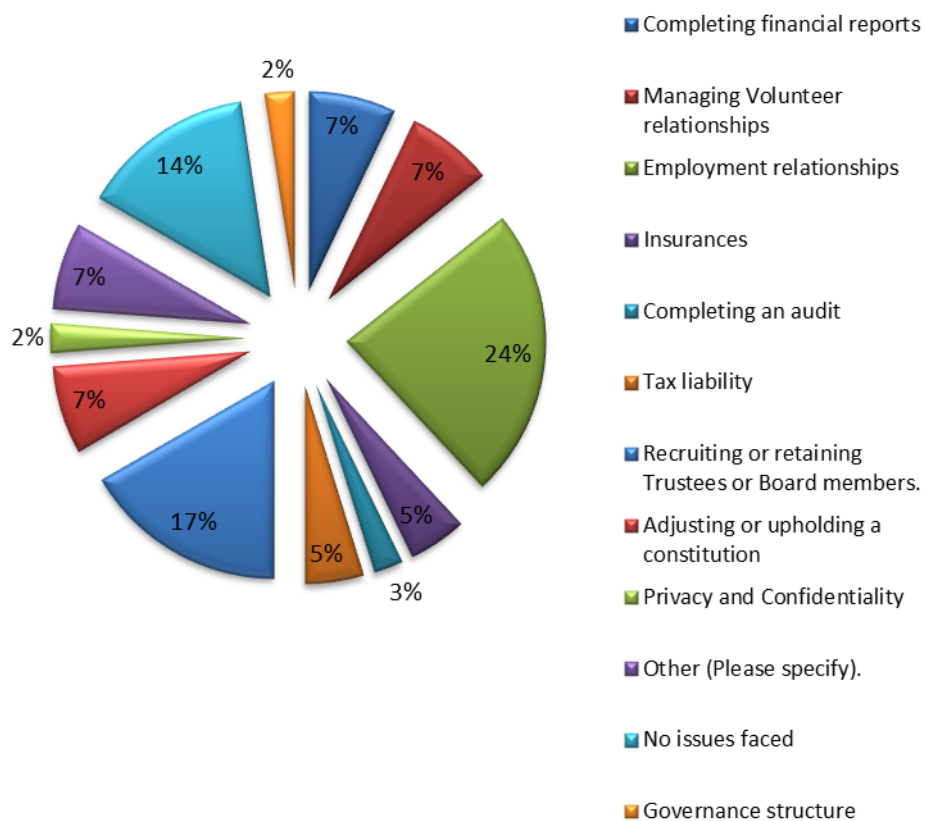
Graph 1b)

Number of legal difficulties faced by respondants in the last 12 months.



Graph 1c)

Challenges faced in the past 12 months.



Results from Question Two

Those who indicated experiencing difficulty with the listed topics were then asked if they required legal assistance or advice to overcome the identified challenges. As seen on graph 2) 80% of organisations who faced difficulty upholding their legal obligations or meeting compliance standards required legal advice or assistance.

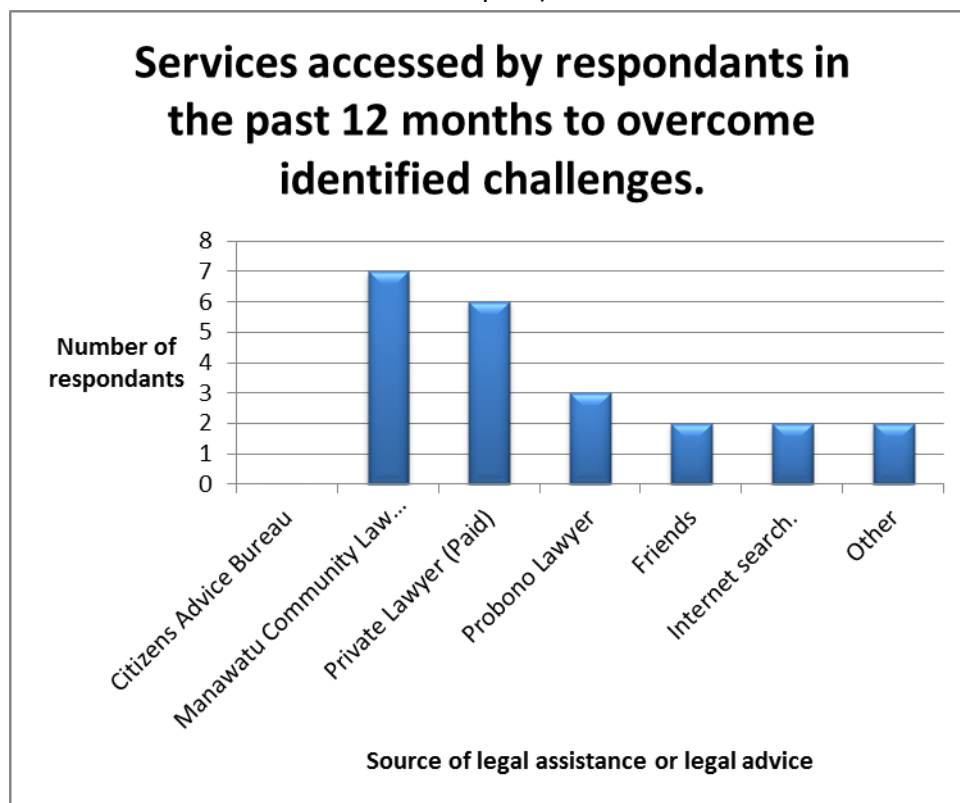
Graph 2)



Results from Question Three

Question 3 was designed to identifying the services already being accessed by organisations to obtain needed legal assistance and advice. As can be seen on graph 3, the Manawatu Community Law Centre was identified as the most used services by respondents.

Graph 3)



Results from Question Four

Not all organisations experienced difficulties in the past 12 months and not all organisations required legal assistance to overcome challenges faced. Question Four was designed to get an indication of the strengths or alternative avenues organisations are already accessing to overcome or mitigate challenges.

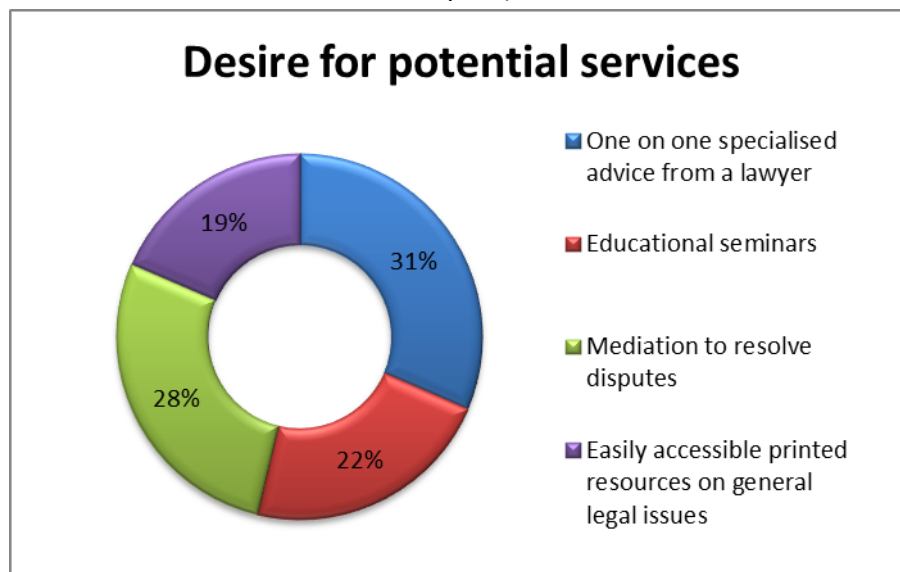
Brief overview of question four responses

- Four respondents disclosed that their governance board and managers already have good expertise, skills and knowledge which are used to overcome or mitigate challenges should they arise.
- Some organisations belong to a national body which can provide advice and assistance when needed.
- Networking with similar services to obtain advice or assistance.
- Strong complaints procedures are already established and followed.

Results from Question 5

This question was included to briefly explore the desire for legal services or support for local Incorporated Societies and Charitable Trusts in Palmerston North. Although not all organisations experienced challenges in the past 12 months, every respondent indicated a desire for an additional or extended legal service in Palmerston North, with many choosing multiple options. As seen on graph 5) one on one specialist advice from a lawyer was the most popular option at 31%, closely followed by the desire for a service that would offer mediation to resolve disputes.

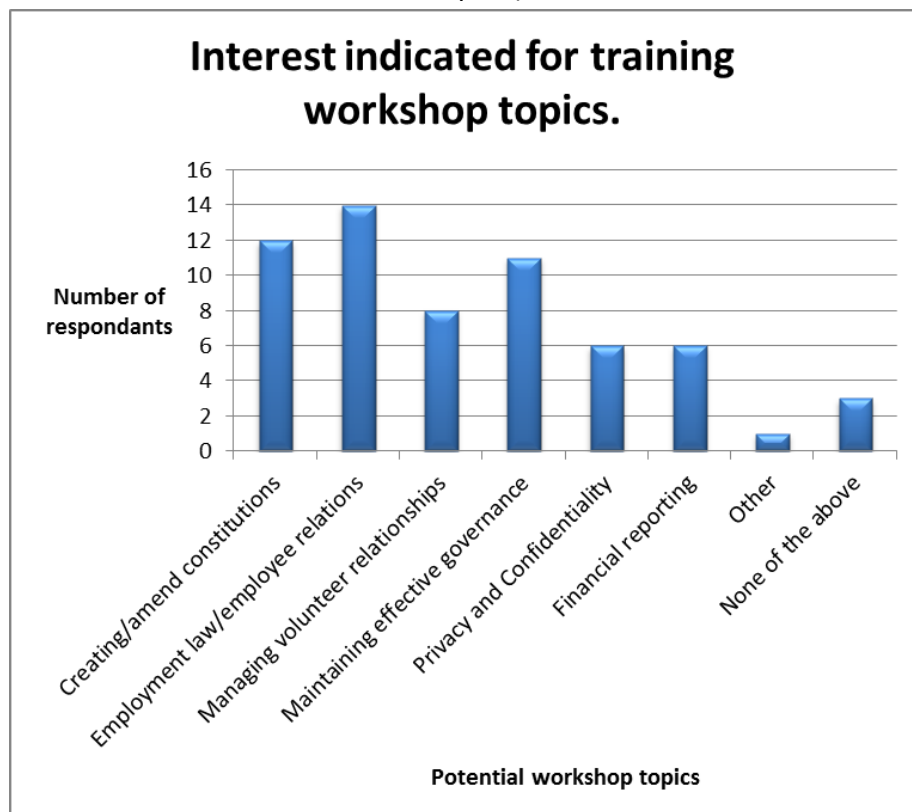
Graph 5)



Results from Question Six

As education is a key method to developing resilience, skills and knowledge, respondents were asked what topics they or their organisation would be interested in attending. As seen on graph 6) employment law and employment relations was the most desirable topic which aligns with the findings of question one, which indicated that employment relations was the most commonly experienced difficulty facing respondents in the past 12 months.

Graph 6)



Results from Question Seven

While there are already a range of educational seminars and training workshops operating in Palmerston North, there is room for attendance to increase. The survey asked respondents what they considered to be the biggest factor preventing them or their organisation from attending training workshops. As seen on graph 7) time has been identified as the greatest barrier, with adaptability to cultural differences only being of concern for two respondents.

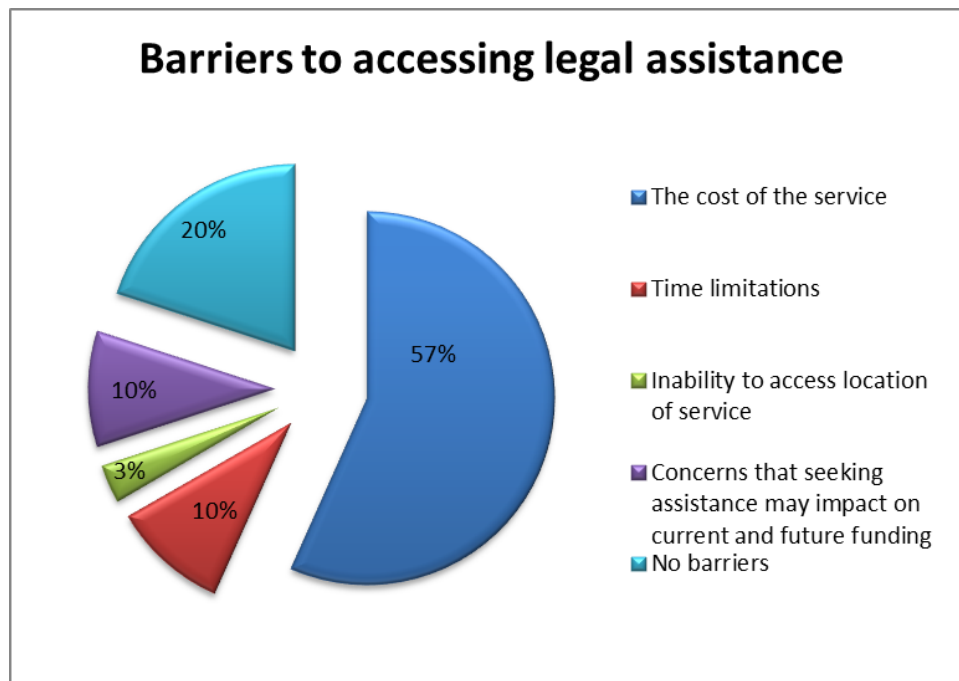
Graph 7)



Results from Question Eight

Question Eight was designed to develop an insight into the potential factors which would prevent organisations from seeking legal assistance. Cost was identified as the most significant barrier as clearly seen in graph 8). However a minority of groups, 20%, indicated that they would seek assistance regardless of any constraints.

Graph 8)



While the survey does not provide a consensus, a cross section of the sector was sought to best represent the diverse realities of local Incorporated Societies and Charitable Trusts providing social services in Palmerston North.

Legal Entities focus group: Justification of method

A focus group is a social research method which brings together a range of people who share a common interest, knowledge or experience on a given topic (Barbour, 2008; Denscombe, 2010). This allows group discussion and is likely to give rise to lively debates, encouraging people to collectively address a topic which they may not have previously devoted extensive attention to (Barbour, 2008). Group discussion helps to uncover information that may not normally arise through direct questioning of an individual (O'Leary, 2010).

A focus group allows more flexibility than a one-on-one interview and can be less intimidating to participants as group discussions can feel more natural as you speak with peers in a more social context, instead of responding directly to a researcher (Finch, Lewis & Turley, 2014; Smith, 2009). Discussions can also flow more freely as participants are influenced by each other, and are able to commit as much or as little as they feel comfortable with (Finch, Lewis & Turley, 2014; Smith, 2009). Because of this, a focus group has been proven effective to explore a range of topics despite potential sensitivity (Barbour, 2008; Smith, 2009).

The focus group began with nine participants. The size of a focus group influences interaction and the disclosure of information. When a group becomes too big, the ability for all group members to engage and contribute to the discussion is inhibited (Denscombe, 2010; May, 2011). The larger the group, the more difficult it becomes for the facilitator to mediate and keep the discussion focused, as the group is likely to fragment and members are likely to speak on top of each other (Denscombe, 2010). Another key factor that influenced the size of the focus group was the ability to find a time, location and date that suited all parties (Denscombe, 2010). Following the hui, Kanohi ki te kanohi it was established that Friday is not workable for a vast majority of organisations. Two options were set for the focus group, Thursday the 27th August, 10am-11:30am and Tuesday the 1st September 2pm-3:30pm. Due to the limited availability of interested parties, the session planned for the 27th August did not proceed.

Why transcribe?

With consent from participants, the focus group discussion was recorded and transcribed. Recording the discussion was decided upon as it allows the facilitator to be attentive and engaged with the group, instead of fragmenting focus between note taking, facilitating and managing the processes (Barbour, 2008; Bell & Waters, 2014; O'Leary, 2010). A transcript of the discussion preserves the raw data, allowing for accuracy of analysis and accountability of findings (Bell & Waters, 2014; Finch, Lewis & Turley, 2014; O'Leary, 2010). The transcript was returned to participants to look over before it was finalised. Following this, the recording was destroyed and a transcript excluding names and immediately identifiable data has been kept due to confidentiality and accountability reasoning.

Focus group: Core points raised

Focus group location: Hancock House, 77 King Street, Palmerston North.

Date: 1st September 2015

Number of Attendees: 9

Observer: 1

Name of facilitator and transcriber: Katheryn Margaret Pascoe

- Accessibility.
Service needs to be easily accessed.
Some evening access is desired as volunteer organisations and governance groups often have other commitments and day jobs restricting their ability to access a service during normal hours of operation.
- Website development.
The potential to develop a website, to act as a hub for information access. While there are already websites, services and information available, discussion was held around the desire for a single resource that lists and identifies people and services which organisations can access when faced by challenges or when assistance is required.
It was suggested that this hub could include updated information on legislative changes, training opportunities and services available, but the importance of using plain English was stressed. A website could act as a link to connect people to other sites and therefore will not act as a replica but could make information more accessible and easier to find. The nature of a website allows information to be accessed 24/7 which was discussed as a requirement for the ideal service.
The website would need to be user friendly.
- Face to face service provision.
Not everyone is computer literate and there was a strong desire for more than technology based services, with emphasis placed on the need for a face to face, one-on-one service for advice or assistance. The idea of having the ability to drop into a service like a clinic, as well as the ability to make an appointment were discussed and considered desirable. It was mentioned that you may have access to information but are unable to understand it, therefore it is important to be able to speak with someone on person.
- Existing services.
The focus group also touched on services of support and advice for community

based organisations in Manawatu. It became clear, that not all organisations are aware of these services, many of which are limited and are not necessarily catered towards to the needs of social service providers.

The “Board Matters” educational seminars were acknowledged as useful and worthy sessions, however the group inquired whether there is the possibility to have educational seminars and training opportunities promoted through funders like the PNCC, not just the PNCSC.

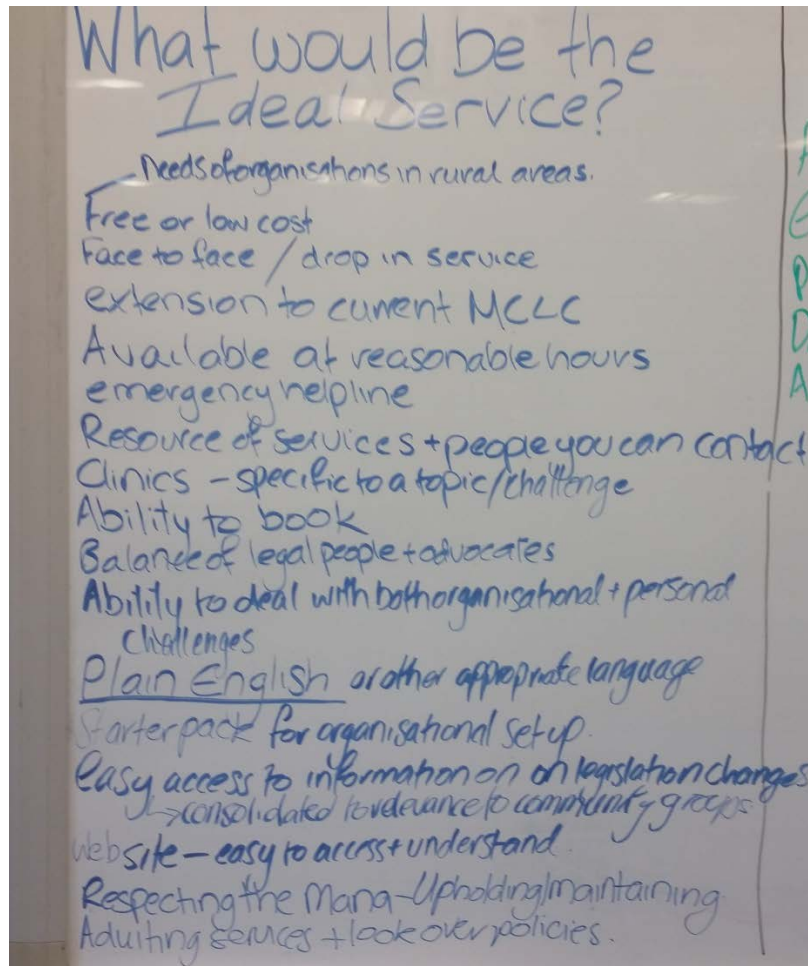
It was identified that some of the larger community based organisations belong to national bodies and have access to human resource services within their larger body which is a key source of support and advice.

It was suggested that the potential service development is an extension of the current services provided by the Manawatu Community Law Centre which is already established and has been accessed by multiple organisations already.

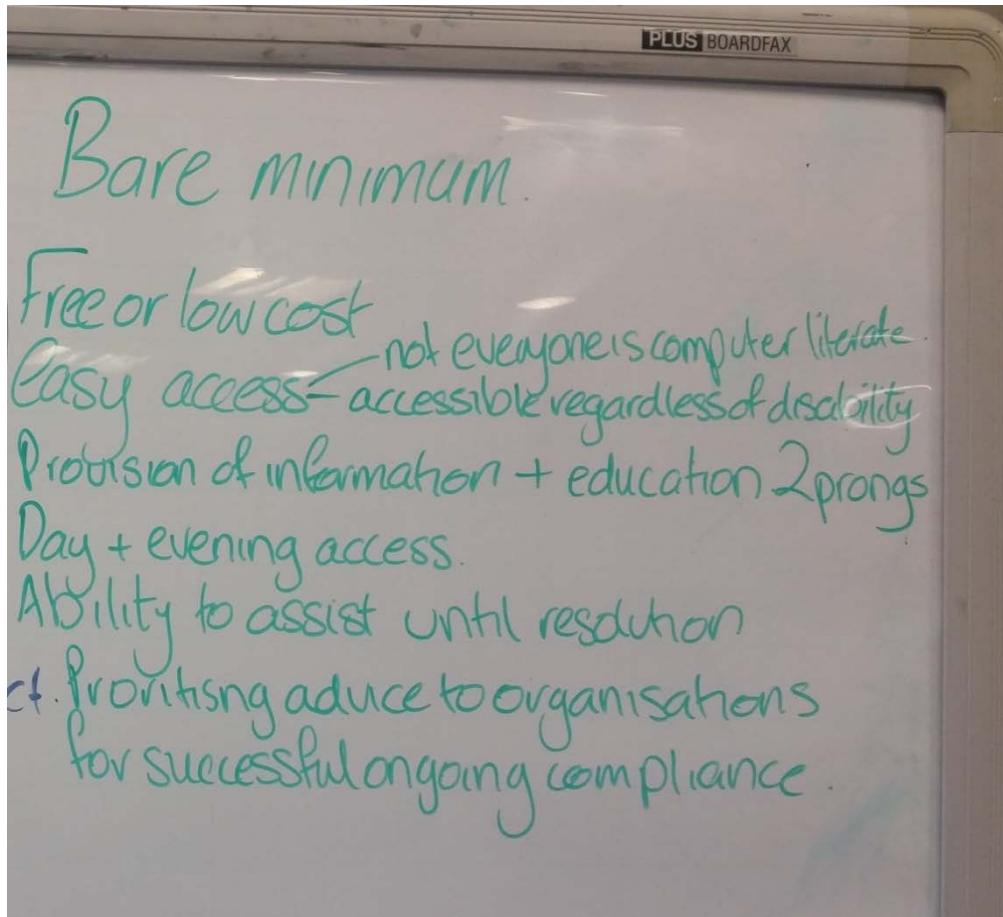
- Additional points to consider in potential service development.
There was general agreement within the group that the potential service should be free or low cost to be accessible.
Cation was raised in regards to the replication of current services.
The potential service should have a two pronged role, provision of both advice and education.
- Experience was shared about including specific questions in funding applications which could encourage organisations to consider key areas of concern. This can act as a prompt to seek education on the topic.
- The focus group confirmed that employment relations where a common challenge faced by a range of organisations.

Focus group activity

The focus group was asked to brainstorm the ideal service to meet their legal needs with no restraints on resources. Following this brainstorm, the group was then asked, what aspects are core and essential to any potential service regardless of restraints to resources. The images below are the ideas included in that brainstorm.



Brainstorm of the ideal service.



Brainstorm of the bare essentials required for potential service development.

For a full agenda of the focus group please refer to appendix 5.

Recommendations

1) Website development

Resulting from the focus group it was made clear that people want the ability to easily access information when needed, ideally 24/7. As can be seen in the focus group notes above, the focus group explored a desire for a resource that can act as a hub, almost like a one-stop-shop, that can direct organisations to printable resources as well as provide a directory of services and people that are available in Palmerston North to assist community organisations with challenges that may arise. This hub could also be used to provide up to date information on legislative changes in plain English, as well as promote opportunities for training seminars and educational workshops available for community organisations.

It should be noted that there are already websites with useful resources and information on them, including but not limited to; www.community.net.nz www.nznavigator.org.nz and www.charities.govt.nz.

Consultation with organisations has uncovered that although these websites are full of information and resources they are; not always easy to navigate or find, not widely known and information is not always provided in plain English, making it hard to understand.

Based on these findings I recommend that a website be established to act as this hub and link viewers to other useful webpages, printable resources, legislative updates, frequently asked questions (FAQs) and important information relevant to community based organisations. This could be provided as a section on the Palmerston North City Council website which is already established with a secure domain. It would be important that the section is easy to locate and that it is launched to raise awareness of the resource. A strong benefit of having the webpage associated with the PNCC website is the 24/7 helpline the PNCC operates. This helpline would be available and could then direct people to the page or information on that page, increasing accessibility.

Risks

Like any web-based material, there is the potential risk of the website and information being tampered with. The PNCC already has a skilled website administrator and IT team who are in a position to monitor and fix potential web based issues if/when they arise.

There is the potential that information will become outdated. To reduce this risk it is important to review the web-based information regularly. I recommend a person is appointed to provide up to date information for the page including training opportunities and changes to the sector. This person does not have to be specialised in website management or IT, as they would draw upon the expertise of the current website administrator and IT team, passing the updated information on to them, to then launch online. I recommend this person be a member of the community services team, more

specifically the Community Groups Advisor, who already holds knowledge on what is occurring in the sector.

This recommendation also runs the risk of community based organisations not being able to find the website. The current PNCC website can be difficult to manoeuvre around and locate information, therefore it should be made a priority that the section relevant to community based organisations has a standalone tab at the top of the webpage that is clearly labelled. The 24/7 PNCC helpline will also help to increase accessibility as they can help individuals locate the information and page.

2) Training and Educational seminars

Throughout this project it has become clear there are already multiple opportunities for free training and educational workshops in Palmerston North, however a significant number of organisations are not always made aware of these options. As identified previously in the report, the DIA and PNCSC in partnership with the MCLC hold a range of workshops. These have received positive feedback from evaluation forms however attendance rates could increase dramatically.

The PNCSC currently emails out the Flax Newsletter which updates community organisations on events, activities, training opportunities and developments in the sector. Emailing is the main method of distributing this newsletter, and it is not uncommon for emails to be deleted, half read or filed as junk. In the past, the Flax Newsletter has been uploaded to the website www.pncsc.co.nz however the most updated newsletter is from March 2013. I recommend that the organisation begins to upload the Flax Newsletters to their website again as this will increase the accessibility of the information and allows groups to access information from previous newsletters if needed.

I also recommend the information on training and education opportunities is delivered to organisations from funders where and when possible, as funders hold a considerable amount of power, which can result in their communication and suggestions holding more weight.

Further research and work will need to be done to uncover the best methods of promotion within existing resources.

3) Face to face service

Information on the internet alone is also not sufficient to support organisations. As identified by the focus group and already acknowledged by the PNCC through the current Digits programme, not everyone is computer literate and there are still people in the wider Palmerston North Community who lack access to internet and technology.

Based on discussion at the Kanohi ki te kanohi hui, meetings with individuals, and the focus group, there is still a strong desire and a need for a face-to-face service to assist and guide organisations through challenges when they do occur. The Legal Entities survey indicated

that the majority of respondents wished to see a service available where they can seek one-on-one specialist advice from a lawyer.

Educational workshops and training seminars remain valuable as they act as a preventative measure to arm groups with the knowledge and skills required to overcome challenges and comply with the associated legislative and funding requirements. The nature of educational workshops allows learning in a group environment for participants to share ideas and experiences, enabling them to learn from one another.

However relying on education is not enough as workshops and seminars are not always responsive to immediate needs. Organisations may have to wait for the planned workshop or training time and date, which can result in periods of vulnerability. These periods can be extended further if the organisation is then unable to attend the workshop due to time restraints or unexpected events. Furthermore, governance groups are constantly changing and therefore so are the skills and knowledge present in an organisation. This makes training and education an ongoing need.

Extension of Manawatu Community Law Centre Services.

This project acknowledges the importance of recognising existing services to avoid duplication. As identified previously, the Manawatu Community Law Centre (MCLC) already works with community based organisations to overcome legal challenges faced, however they are not resourced or funded to do so.

The focus group expressed a desire to see an extension of their services, and the Legal Entities survey has shown that a range of organisations have recently approached the MCLC for assistance. The MCLC already have expertise and experience working with community groups, as well as a strong trusted reputation in Palmerston North.

Participants have expressed the need to be able to make a booking to meet with someone or drop in to the service for assistance. As the MCLC already operates in this manner, it would be a clear fit to extend their services to include advice and assistance tailored for Incorporated Societies and Charitable Trusts.

I recommend an extension of the MCLC services through increased funding specifically provided to fund a part time employee to assist Incorporated Societies and Charitable Trusts. The Legal Entities survey identified cost as the largest barrier to accessing legal support or assistance, and the first activity of the focus group identified free or low cost as an essential component of any potential service development. Based on these findings I recommend the potential extension of the MCLC be provided free with the ability for service users to provide a koha if they wish or are positioned to do so.

The MCLC is also in a strong position to assist local Incorporated Societies and Charitable Trusts as they are a Charitable Trust themselves and therefore are aware of the restraints, compliance matters, legal requirements and legislative changes Charitable Trusts face.

Other delivery models considered.

The recently established Community Accounting services based out of the Department of Internal Affairs, established with the assistance of the PNCSC, operates by drawing upon the skills of accounting based tertiary students who provide advice and assistance, gaining experience as interns. Palmerston North hosts multiple tertiary institutions and this model has proven to be effective for the Community Accounting services. Unfortunately no current tertiary provider in Palmerston North provides legal studies, which removes the ability to use interns in the same capacity as the Community Accounting services.

There is the potential to contract an independent individual to undertake this role. An independent contractor however, would not have a strong organisational reputation to support them like the MCLC offers and would therefore have to quickly develop their own reputation within the community. They would operate independently and therefore would not have a team available to call upon for advice or insights, and there would be the need to source an office which is easily accessible.

Risks

There is a risk that the service will not be used or that demand will be too great for a part-time worker. Based on the survey findings, 80% of organisations who experienced difficulties with one of the topics listed on the survey required external assistance. The MCLC is already averaging 1.3 cases a week, and throughout the consultation process of the project, it has been clear that there is a strong desire for a face to face service from an experienced, educated lawyer or individual. If the employer was based on a 12 month contract to pilot the service, this would allow time to see how well used the service is and invite feedback from clients to review the service.

There is also the risk that the part time employee will not have all the knowledge required. The benefit of being positioned within the MCLC rather than being a stand-alone contractor, is that they can draw upon the knowledge and expertise of colleagues, and utilise their team.

Associated costs

The main cost involved will be the employment of a part time worker.

Potential overhead costs may include a share of the total organisational costs of electricity, site rental, internet, administration and use of technology.

Dependant on the job description, there may be potential costs associated with travel.

References

- Aotearoa New Zealand Association of Social Workers. (2013). *Code of Ethics* (3rd ed.). Christchurch, New Zealand: Xpress Printing House.
- Babbie, E. (2014). *The Basics of Social Research* (6th ed.). California, America: Cengage Learning.
- Barbour, R. (2008). *Introducing Qualitative Research: A student's guide to the craft of doing qualitative research*. London, England: Sage Publications.
- Bell, J & Waters, S. (2014). *Doing your research project; a guide for first-time researchers* (6th ed.). New York, America: McGraw-Hill Education.
- Citizens Advice Bureau. (2014). *Services we offer*. Retrieved from <http://www.cab.org.nz/acabnearyou/palmerstonnorth/Pages/services.aspx>
- Denscombe, M. (2010). *The Good Research Guide: for small scale social research projects* (4th ed.). Berkshire, English: Open University Press.
- Finch, H., Lewis, J., & Turley, C. (2014). Focus Groups. In J. Lewis., C. McNaughton Nicholls., R. Ormston., & J. Ritchie (Eds.), *Qualitative Research Practice; A guide for social science students and researchers* (2nd ed., pp. 211-242). London, England: Sage Publications.
- May, T. (2011). *Social research; Issues Methods and Processes* (4th ed.). Berkshire, England : McGraw-Hill Education.
- Ministry of Social Development. (2015a). *Supporting Organisational Capabilities*. Retrieved from <https://www.msd.govt.nz/about-msd-and-our-work/work-programmes/investing-in-services-for-outcomes/organisational-capability-self-assessment-tool.html>
- Ministry of Social Development. (2015b). *Capability Investment Resource*. Retrieved from <https://www.msd.govt.nz/about-msd-and-our-work/work-programmes/investing-in-services-for-outcomes/capability-investment-resource.html#top>
- O'Leary, Z. (2010). *The essential guide to doing your research project*. London, England: Sage Publications.
- Palmerston North City Council. (2009). *Palmerston North Sector Profiles 2009: Not-For-Profit*. Palmerston North, New Zealand: City Future Unit.
- Palmerston North City Council. (2014). *Fee For Service Contracting*. Retrieved from <http://www.pncc.govt.nz/yourcouncil/communityfunding/fee-for-service-contracting/>

Palmerston North Community Services Council. (2015). *Manawatu Community Law Centre*. Retrieved from <http://www.pncsc.co.nz/cms/page.php?view=manawatu-community-law-centre-home>

Smith, R. (2009). *Doing social work research*. Maidenhead, England : McGraw-Hill Education

Wellington Community Law Centre. (2013). *Annual report: July 2012 to June 2013*. Wellington, New Zealand: Community Law.

Wellington Community Law Centre. (2014). *Te pūrongo: Annual report 13/14*. Retrieved from <http://www.wclc.org.nz/wp-content/uploads/Community-Law-Wellington-and-Hutt-Valley-Annual-Report-2013-2014.pdf>

Yellow (2014). *YellowPages Manawatu*. Palmerston North, New Zealand: Yellow Pages Group LTD.

Social Work Field Placement 2015 – Katheryn Margaret Pascoe

Legal Entities Project

Task:

To undertake and present a feasibility study on the potential delivery of this project in Palmerston North.

This report will outline the following criteria:

1. Need based on supporting evidence.
2. Delivery model options that would effectively meet the need – single or multi agency and service or project based.
3. Project risk analysis.
4. Current local delivery options – single or multi agency.
5. Resourcing requirements with estimated costings.
6. Recommendation.

Placement Direct Supervisor: Peter Grey- Community Liaison Team Leader, Palmerston North City Council.

Project Brief:

Legal Entities is a potential service programme aimed at delivering free or low cost professional legal advice and/or training to not-for-profit community based agencies. It can provide assistance to NGOs in the processes of setting up, running and winding down as well as providing some representation as well as education/ training seminars.

There are significant legislative changes that will affect the community and voluntary sector for which individual community organisations need to be prepared for.

Days & hours of work:

Monday – Friday

8am – 5pm including 1 hour lunch break (variation can be negotiated)



Facilitator: Manawatu Community Law Centre

For over a decade the Manawatu Community Law Centre has provided legal advice, assistance, representation and legal education to fulfil our community's unmet legal needs. Legal education is a core component of our service and includes advising and training community organisations about legal structures, charitable status and other matters relating to good governance.

As a community organisation we understand the local non-profit environment and are committed to ensuring that local community organisations are educated in this area.



Register

Contact Michele MacManus,
Programme Leader, Palmerston
North Community Services Council

Email: progleader@pncsc.org.nz

Phone: 06 354 3809

Online Registration:

pncsc.chalkle.com

Venue

Double Room,
Hancock Community House
77-85 King Street, Palmerston North
NB, Free car parking from 5.30pm

Organiser

Palmerston North Community
Services Council
Hancock Community House, 77-85 King Street
Palmerston North, 4410
www.pncsc.co.nz

With Support from



FREE

Board Matters

BITE-SIZED GOVERNANCE

for Clubs & Charities

TUESDAY 18 AUGUST

Managing the Board

Dr James Lockhart,
Senior Lecturer,
Massey University

TUESDAY 1 SEPTEMBER

Managing the Manager

Alastair Hall, Partner,
Fidderbert Rowe
Carol Searle, CEO,
Mash Trust

TUESDAY 19 SEPTEMBER

Reading Financial Reports

Matt Christie,
Chartered Accountant,
BDO

TUESDAY 20 SEPTEMBER

Ethics and Conflicts

John Fowkes

Starts Tuesday 18 August, 5.30pm



PALMERSTON NORTH
COMMUNITY SERVICES COUNCIL

What is Board Matters?

Board Matters is a series of four FREE relevant and engaging talks designed especially for non-profit governance members, with networking and nibbles.

Who's it for?

Board Matters sessions are open to everyone on the governance board of an incorporated society or charitable trust, big or small. This includes:

- Sports clubs
- Service & hobby groups
- Arts & cultural groups
- Ethnic & special interest groups
- Social Service Organisations

MEETINGS

- Finishing when you promise you will.
- Use your agenda like an architect.
- Role of the chair - good agenda.
- tone
- Meetings have to create decisions & structured around this
- Setting down time for new boards to become productive

Strong Community Organisations Require Effective Boards

BOARD MATTERS AIMS TO ASSIST THIS.

Board Matters starts on Tuesday 18th August at 5.30pm, with the remaining session on every second Tuesday.

Each 90 minute session begins with light refreshments and the opportunity to network with fellow governance members. The sessions are facilitated by Manawatu Community Law Centre with guest speakers.

Registration is required (see reverse for details)

Tuesday 18th August

MANAGING THE 21ST CENTURY BOARD

Guest Speaker: James Lockhart, Senior Lecturer in Management, Massey University

- The role of the 21st Century Board
- Balancing board time - strategy vs. compliance
- Establishing an effective board agenda
- Creating an effective board environment

Tuesday 1st September

MANAGING THE MANAGER

Guest speakers: Alastair Hall, Partner, FitzhebertRowe & Carol Searle, CEO, MASH Trust

- Employment Law for Boards
- The importance of role definition
- Managing performance
- What your Manager/CEO wants from the Board

Tuesday 15th September

READING FINANCIAL REPORTS

Guest Speaker: Matt Coulter, Chartered Accountant, BDO

- Safety nets - what does a healthy organisation look like?
- The importance of budgeting
- Complying with the new reporting standards

Tuesday 29th September

ETHICS & CONFLICTS

Guest speaker: John Fowkes

- Duties of Board members
- Managing Conflicts
- Liability - "the buck stops with you"
- What is "conflict of interest"?

Legal Entities Project

INFORMATION SHEET FOR INCORPORATED SOCIETIES AND CHARITABLE TRUSTS.

Tena koe. My name is Katheryn-Margaret Pascoe and I am third year Bachelor of Social Work student at Massey University, currently undertaking a legal entities project as part of my 12 week placement with the Palmerston North City Council.

This project aims to explore the legal needs of Incorporated Societies and Charitable Trusts in Palmerston North, with the purpose of investigating the potential of establishing a low-cost or free legal service, tailored to meet these needs.

I would like to invite you to participate in the consultation process through engaging in a discussion forum known as a focus group.

I am inviting representatives from a range of social services agencies in Palmerston North to share their experiences with legal challenges and explore what an ideal legal service would look like.

Two potential times: Thursday 27th August 10am-11:30 Hancock House, 77 King Street
Tuesday 1st September 2pm-3:30pm Hancock House, 77 King Street

Topics covered will include:

- The circumstances in which an organisation would seek legal assistance.
- Experiences recruiting and retaining Trustees or Committee members.
- Management of employment relations.
- What an ideal service would look like.

The focus group will be treated as confidential. It will be recorded and transcribed for analysis purposes. Transcribing will be used as a measure of accountability, but names will not be published. I will be the only person with access to the recording and it will not be saved on the Council server. A transcript will be available to send out to participants following the focus group. At the beginning of October, when my placement ends, the recording will be destroyed but a transcript without names may be kept.

The findings from the focus group will be included in a final report but names of participants and organisations will not be published unless explicit consent is given.

It is expected that participation will be no more than two (2) hours. Approximately 15 minutes to review the project purpose, participation guidelines and sign the consent form,

approximately 1 hour of group discussion, followed by approximately 30 minutes to review the transcript.

You are under no obligation to accept this invitation. If you decide to participate you have the right to:

- Ask any questions about the project at any time
- Be given access to a copy of the final report produced
- Be given access to a transcript
- Ask for the recorder to be turned off at any point during the discussion
- Decline to answer a question
- Have your identity kept confidential unless you give explicit permission to the project leader, Katheryn Margaret Pascoe.

Please contact me if you have any questions about the project or if you would like to participate in the focus group.

Katheryn Margaret Pascoe
Katheryn.pascoe@pncc.org.nz
(06) 356 8199 ext 7032
0275126201

Thank you for your time and consideration of the invitation.
Ka kite ano

Katheryn Margaret Pascoe.

Legal entities project.

What are your legal needs as a Charitable Trust or Incorporated Society?

Kia ora koutou.

Please take a moment to fill out this survey to help gauge the legal needs of Incorporated Societies and Charitable Trusts in Palmerston North. This survey will support a feasibility study on the potential to establish a low cost or free legal service for legal entities in Palmerston North. All information provided in this survey will be treated confidentially. Any survey results which are published will exclude all names of organisations and individuals, as well as data which will result in identification.

Responding to this survey indicates your agreement to participate in the project

Contact information:

Name of organisation:

Contact person and role in the organisation:

Email address:

Contact phone number:

Preferred method of contact:

How big is your organisation?

Number of Committee Members or Trustees:

Number of employed staff:

Number of volunteers:

<i>What is your organisation's structure?</i>	
Incorporated Society	
Charitable Trust	
Have applied for Incorporated or Charitable status and awaiting results.	

<i>Q1) In the last 12 months, has your organisation experienced difficulty with any of the following? (Please tick all relevant options).</i>	
Completing financial reports	
Volunteer relationships	
Employment relationships	
Insurances	
ACC or Health and Safety	
Completing an audit	
Governance structure	
Tax liability	
Recruiting or retaining Trustees or Board members.	
Adjusting or upholding a constitution	
Privacy and Confidentiality	
Other (Please specify).	

Issues facing Incorporated Societies and Registered Charitable Trusts

Solutions to issues faced.

<i>Q2) Did your organisation require legal advice or assistance to overcome the identified difficulties faced in the last 12 months?</i>	
Yes	
Ongoing	
No	
Not Applicable	

<i>Q3) If you answered "Yes" or "Ongoing" to Question 2, who did you seek assistance or advice from? (Please tick all relevant options).</i>	
Citizens Advice Bureau	
Manawatu Community Law Centre	
Private Lawyer (Paid)	
Private Lawyer (Probono/free)	
Friends	
Internet search.	
Other (Please specify).	

Q4) If you answered “No” or “Not Applicable” to Question 2, please briefly describe the process your organisation follows when challenges or conflicts arise.

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Potential service provision

Q5) What kind of legal services would you like to see available for Incorporated Societies and Charitable Trusts in Palmerston North? (Please tick all relevant options).

One on one specialised advice from a lawyer	
Educational seminars	
Mediation to resolve disputes	
Easily accessible printed resources on general legal issues	
Other (Please specify).	

Q6) From the list below, which educational seminars regarding legal advice would your Organisation be interested in attending? (Please tick all relevant options).

Creating and amending constitutions	
Employment law and employee relations	
Managing volunteer relationships	
Maintaining effective governance	
Privacy and Confidentiality	
Financial reporting	
Other (Please specify).	

<i>Q7) As an organisation, what would prevent you and your team from attending training workshops? (Please tick all relevant options).</i>	
The cost of the workshop	
Time	
Location of workshop	
Workshop is irrelevant to organisational needs	
Workshops are not adaptive to cultural differences	
Other (Please specify).	

<i>Q8) What factors would prevent your organisation seeking legal assistance?</i>	
The cost of the service	
Time limitations	
Inability to access location of service	
Concerns that seeking assistance may impact on current and future funding	
Other (Please specify).	

<i>Q9) Would your organisation like to participate in a focus group to discuss these topics further?</i>	
Yes	
No	
Maybe	

Thank you for taking the time to complete this survey.

If you have any questions or further comments please email them to
Katheryn.pascoe@pncc.govt.nz or note them below.

Appendix 5.

Legal Entities Project Focus Group 1st September 2015.

Agenda

2pm	Arrive. Hancock House 77 King Street, Blue Room.
2pm-2:10pm	Meet and greet. Tea and coffee. Sign participant consent forms.
2:10pm-2:15pm	Recap of project, participants' rights and processes for the afternoon.
2:15-2:35pm	Brainstorm the ultimate legal service.
2:35pm-3pm	The legal entities survey has indicated that managing employment relations is a common challenge faced by community based organisations. From your experiences what is your reflection on this statement?
3pm	What would encourage you or your organisation to attend an educational workshop?
3:20pm	Close.

Palmerston North Legal Entities Project: A feasibility study completed by Katheryn Margaret Pascoe as part of a 3rd year Bachelor of Social Work placement at the Palmerston North City Council.

Pascoe, Katheryn Margaret

2015

<http://hdl.handle.net/10179/7340>

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